

REMARKS

This replies to the non-final Office Action as mailed on July 18, 2001. A petition to extend time to respond within the first extended month, a letter regarding proposed drawing changes, and a terminal disclaimer accompany this reply.

By way of the present Amendment, claim 7 is canceled, claims 1-6 and 8-18 are amended, and new claims 19-21 are added.

Claim Amendments

Applicants have canceled claim 7 to facilitate prompt allowance of this application. Thus, the rejection under 35 U.S.C. § 112, ¶ 2 is now moot.

Consistent with co-pending Application No. 09/572,734, which application shares a common claim of priority as the present application, Applicants have amended claims 1-6 and 8-18 to clarify the invention with respect to the use of the terms "cartridge" and "dispensing device" as used in the pending claims prior to amendment. Specifically regarding the term "cartridge," it is noted that the specification refers consistently to a cartridge or dispensing apparatus with respect to the preferred embodiments. From this description, it is apparent that this feature of the invention is not limited to a "cartridge," but rather encompasses a cartridge or other type of dispensing device, such as a pump or other device that delivers material. Accordingly, Applicants have amended the claims to replace the term "cartridge" with the generic term "dispensing appliance," which is intended to encompass a cartridge, a pump, or other dispensing device having the characteristics recited in the claims. Applicants have further added new claims 19-21 to specify that the dispensing appliance may specifically comprise a cartridge.

Further, by way of clarification, the claims have been amended to replace the term "dispensing device" with "dispensing assembly." This change is intended to clarify that the combination of mixer and dispensing appliance constitutes a dispensing assembly.

In addition to these changes, Applicants have amended the claims to clarify further that the coding elements of the claims permit the plugs to align and connect with corresponding outlets in only one orientation.

Restriction Requirement

Applicants acknowledge the Examiner's finalization of the restriction requirement. For the reasons below, independent claims 1, 8, and 14 are believed to

allowable and generic with respect to the elected species and the species of the claims now withdrawn from consideration (i.e., claims 1, 8, and 14). Accordingly, rejoinder and allowance of claims 1, 8, and 14 is respectfully requested.

Double Patent Rejection

The claims under consideration stand rejected under the judicially created doctrine of obviousness type double patenting, in view of commonly owned U.S. Patent No. 6,186,363 (which issued from the parent of the present divisional application) in view of U.S. Patent No. 5,137,182. To obviate this rejection, Applicants intend to supplement this reply with an appropriate terminal disclaimer.

Rejection Under 35 U.S.C. §§ 102(b) and 103(a)

The Office Action rejects claims 1 and 4-6 under 35 U.S.C. § 102(b) as allegedly being anticipated by Keller, U.S. Patent No. 5,137,182 ("the Keller '182 patent"). Claims 8-10, 12-14 and 16-18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the Keller '182 patent. These rejections are traversed as follows.

Regarding claims 1 and 4-6, the Office Action relies on the indication in the Keller '182 patent that "Depending on whether the components are to be applied in the proportion 1:1 or some other proportion, the cylinders 2, the dispensing canals 4, and the cross-sections of the matching stoppers 14 may be identical or different." (Col. 3, ll. 11-15.) Based on this teaching, the Office Action concludes that "the coding elements for coded introduction being dissimilarly sized, shaped and visually different inherently follow."

In reply, it is noted that the Keller '182 patent contains no teaching or suggestion to utilize different outlets on a dispensing appliance or plugs on a closure member for coded alignment and introduction of the closure member into the dispensing appliance as set forth in claim 1. The reference in the Keller '182 patent to stoppers 14 of different cross-section clearly follows from the acknowledgment that different volumes of containers may require dispensing canals 4 to have different cross-sections. There is no indication or suggestion to utilize differently sized or shaped plugs as coding elements, and such use may be regarded as inherent only if one were to speculate in hindsight as to whether stoppers 14 of different cross-sections would be sufficiently different to serve as coding elements to permit alignment and connection in only one orientation as recited in claim 1.

The obviousness rejection of claims 8-10, 12-14 and 16-18 is traversed for the reasons set forth above regarding claim 1.

Further regarding the rejection under § 103, Applicants respectfully traverse the Examiner's statement taking administrative notice that "dual cartridge containers as disclosed by [the Keller '182 patent] are customarily associated with related mixers as claimed in order to mix and dispense the material therein." In response, Applicants agree that the Keller '182 patent generally indicates that the cartridge described therein may be used with a mixer. Indeed, the reference explicitly states that "When the contents of the cartridge are being squeezed out through the dispensing canals 4 with the closure 20 removed, such a bayonet mount 7 is widely used to hold a dispensing nozzle, such as the tube of a static mixer that forms an extension to the nozzle tube 3." (Col. 3, ll. 40-45.) However, there is no disclosure or suggestion of a cartridge used with a mixer "as claimed" as stated by the Examiner. For example, there is no disclosure or suggestion of such combination as claimed that includes "complementary coding elements formed on said dispensing appliance and said mixer to permit said inlets of said mixer to be aligned with and connected to the respective outlets of said dispensing appliance in only one orientation." Accordingly, to the extent that the Examiner intends to establish by administrative notice any characteristic of the mixer recited in the claims beyond what is specifically disclosed in the Keller '182 patent, the Examiner is respectfully requested to provide evidence for such position.

Finally, it is respectfully noted that the pending claims generally are based on, but more narrow than corresponding claims of the parent '363 patent in that they also recite a closure member having plugs corresponding to the outlets of the dispensing appliance/cartridge. As the Office explicitly determined that the claims of the '363 were patentable over the Keller '182 patent (which was considered and made of record in connection with the prosecution of the '363 patent), it follows that the present claims are also allowable over that reference.

#### Drawing Correction


Applicants note that Figs. 8A and 9A as illustrated in the formal drawings submitted with the present application inadvertently fail to show adequately the different diameters of outlets 28a and 29a in Fig. 8A and inlets 14a and 15a in Fig. 9A. To correct this error, Applicants submit a new formal drawing sheet for Figs. 8A and 9A. Support for this change to the drawing includes, for example, the accompanying

description of Figs. 8A and 9A at page 8, lines 26-30. Accordingly, no new matter is introduced by this proposed drawing correction.

Prompt and favorable consideration of this application in light of the foregoing amendments and remarks is earnestly solicited.

Respectfully submitted,

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By 

FOLEY & LARDNER  
Washington Harbour  
3000 K Street, N.W., Suite 500  
Washington, D.C. 20007-5109  
Telephone: (202) 945-6014  
Facsimile: (202) 672-5399

George C. Beck  
Attorney for Applicant  
Registration No. 38,072

**Version with Markings to Show Changes Made**

**IN THE SPECIFICATION:**

The specification is amended at page 1, lines 3-7, as follows:

The present application is a divisional of patent application Serial No. 09/348,038, filed July 6, 1999, now Patent No. 6,186,363 [\_\_\_\_\_], which is a continuation of patent application Serial No. 08/563,109, filed November 27, 1995, now Patent No. 5,918,772, which is a continuation in part of patent application Serial No. 08/403,172 filed March 13, 1995, now abandoned, and a continuation in part of patent application Serial No. 08/522,109 filed August 31, 1995 now abandoned.

**IN THE CLAIMS:**

1. (Twice Amended) A [cartridge] dispensing appliance for a mixer, the mixer having a plurality of inlets, the [cartridge] dispensing appliance comprising:

a plurality of chambers each having an outlet for engagement with the inlets of the mixer;

a bayonet coupling on said [cartridge] dispensing appliance for detachably connecting said [cartridge] dispensing appliance to the mixer;

a closure member for closing said [cartridge] dispensing appliance when detached from the mixer, said closure member having a correspondingly-sized plug for each said outlet; and [having]

coding elements for coded introduction into and attachment of said closure member [to said bayonet coupling of] said [cartridge] dispensing appliance, said coding elements permitting each said plug to be aligned and connected to each respective outlet of said plurality of chambers in only one orientation.

2. (Twice Amended) A [cartridge] dispensing appliance according to claim 1, wherein said coding elements [comprise] includes at least two bayonet lugs of different widths provided on said closure member.

3. (Twice Amended) A [cartridge] dispensing appliance according to claim 1, wherein said outlets are dissimilarly sized to provide said coded introduction and attachment of said closure member to said dispensing appliance.

4. (Twice Amended) A [cartridge] dispensing appliance according to claim 1, wherein said outlets are dissimilarly shaped to provide said coded introduction and attachment of said closure member to said dispensing appliance.

5. (Amended) A [cartridge] dispensing appliance according to claim 1, wherein said coding elements comprise visual alignment means.

6. (Amended) A [cartridge] dispensing appliance according to claim 1, further comprising a locking ring for attachment of said closure member to said [cartridge] dispensing appliance.

8. (Twice Amended) A dispensing [device] assembly, comprising:  
a [cartridge] dispensing appliance including a plurality of chambers each having an outlet and a first bayonet coupling;  
a mixer including a housing with a plurality of inlets corresponding in number to the outlets, each inlet being configured to engage a respective one of said outlets, a mixer element disposed in said housing, and a second bayonet coupling complementary with said first bayonet coupling of said [cartridge] dispensing appliance, said first bayonet coupling being detachable from said second bayonet coupling and together forming a detachable bayonet assembly;  
a closure member for closing said [cartridge] dispensing appliance when detached from the mixer, said closure member having a [plug] plurality of plugs corresponding in number to the outlets for closing each of said [outlet] outlets; and  
complementary coding elements formed on said [cartridge] dispensing appliance and said mixer to permit said inlets of said mixer to be aligned with and connected to the respective outlets of said [cartridge] dispensing appliance in only one orientation;  
wherein said closure member includes coding elements configured in the same manner as the mixer to connect with the [cartridge] dispensing appliance in only one orientation.

9. (Twice Amended) A dispensing [device] assembly according to claim 8, wherein said outlets are of different size relative to each other and said respective inlets are configured to conform thereto to permit said inlets of said mixer to be aligned with

and connected to the respective outlets of said dispensing appliance in only one direction.

10. (Twice Amended) A dispensing [device] assembly according to claim 8, wherein said outlets are of different shape relative to each other and said respective inlets are configured to conform thereto to permit said inlets of said mixer to be aligned with and connected to the respective outlets of said dispensing appliance in only one direction.

11. (Amended) A dispensing [device] assembly according to claim 8, wherein said closure member includes at least two bayonet lugs of different widths for attachment to said first bayonet coupling of said [cartridge] dispensing appliance.

12. (Twice Amended) A dispensing [device] assembly according to claim 8, wherein said coding element comprises visual alignment means.

13. (Amended) A dispensing [device] assembly according to claim 8, further comprising a locking ring for attachment of said closure member to said [cartridge] dispensing appliance.

14. (Amended) A [cartridge] dispensing appliance for a mixer, the mixer having a plurality of inlets, the [cartridge] dispensing appliance comprising:

a plurality of chambers each having an outlet for engagement with the inlets of the mixer, each said outlet of said chambers being of a different configuration from each other to permit each said outlet to be aligned and connected to the respective inlets of the mixer in only one orientation; and

a bayonet coupling on said [cartridge] dispensing appliance for detachably connecting said [cartridge] dispensing appliance to the mixer; and

a closure member for closing said [cartridge] dispensing appliance when detached from the mixer, said closure member having a plug for closing each said outlet.

15. (Amended) A [cartridge] dispensing appliance according to claim 14, wherein said closure member further includes at least two bayonet lugs of different widths for attachment to said bayonet coupling of said [cartridge] dispensing appliance.

16. (Amended) A [cartridge] dispensing appliance according to claim 14, further comprising a locking ring for attachment of said closure member to said [cartridge] dispensing appliance.

17. (Amended) A [cartridge] dispensing appliance according to claim 14, wherein each said outlet of said chambers is of a different size from each other said outlet.

18. (Amended) A [cartridge] dispensing appliance according to claim 14, wherein each said outlet of said chambers is of a different shape from each other said outlet.